

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

2014 JUN -5 P 3:12

U.S. BANKRUPTCY
E.D. MICHIGAN-DETROIT

In re
City of Detroit, Michigan
Debtor

Chapter 9
Case No. 13-53846
Hon.: Steven W. Rhodes

**Supplemental
Motion To Contest Debtor's Notice of Non-Voting Status and
Hold Debtor Liable for Its Misrepresentation**

NOW COMES, Creditor Irma Industrious in pro per and for her Supplemental Motion to Contest Debtor's Notice of Non-Voting Status and Hold Debtor Liable for its Misrepresentation states as follows:

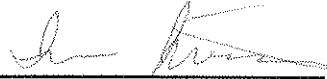
1. On May 15, 2014, I received a document from the Debtor entitled "Notice of Non-Voting Status Under Plan for the Adjustment of Debts of the City of Detroit".
2. I am listed as a creditor by the Debtor.
3. I have filed a claim asserting my right to reimbursement from the Debtor.
4. I am entitled to vote as a creditor of the Debtor.
5. I received a voting ballot regarding the Fourth Amended Plan for the Adjustment of Debts of the City of Detroit.
6. The Debtor subsequently mailed to me a "Notice of Non-Voting Status Under Plan for the Adjustment of Debts of the City of Detroit"; and it appears that that the Debtor is attempting to revoke my voting ballot.
7. The Debtor's Notice of Non -Voting Status is erroneous and fraudulent.
8. I do not hold a claim in Class 1A-1 through 1A-337.

9. I do not hold a claim in Class 1B-1 through 1B-23.
10. I do not hold a claim in Class 1C-1 through 1C-4.
11. I do not hold a claim in Class 2A, Class 2B, Class 2C, Class 2D, Class 2E, or Class 2F.
12. I do not hold a claim in Class 3.
13. I do not hold a claim in Class 4.
14. I do not hold a claim in Class 6.
15. I do not hold a claim in Class 16.
16. I have filed claims regarding the Debtor's illegal attempt to reduce my accrued financial benefits as guaranteed by the Constitution of the State of Michigan.
17. I am entitled to vote on the Debtor's Fourth Amended Plan for the Adjustment of Debts of the City of Detroit.
18. The Debtor is misrepresenting to this Court that I possess Non-Voting status, and the Debtor is attempting to prevent me from having a vote regarding the Fourth Amended Plan for the Adjustment of Debts of the City of Detroit.
19. On June 3, 2014, this Court issued an Order directing Creditor to supplement her Motion and attached the Notice. (See Exhibit A, Court's Order).
20. Creditor hereby attaches a copy of the Debtor's "Notice of Non-Voting Status Under Plan for the Adjustment of Debts of the City of Detroit". (See Exhibit B, Notice of Non-Voting Status)

WHEREFORE, based on the foregoing, this Creditor respectfully requests that this Court remove the Non-Voting classification status that the Debtor has erroneously designated, allow this Creditor to vote on the Debtor's Fourth Amended Plan for the

Adjustment of Debts of the City of Detroit, and to also hold the Debtor liable for misrepresenting to this Court that this Creditor possess Non-Voting status.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Irma Industrious', written over a horizontal line.

Irma Industrious
In Pro Per
Creditor
3051 Lindenwood Drive,
Dearborn, MI 48120
(313) 460-4731

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

2014 JUN -5 P 4: 27

U.S. BANKRUPTCY COURT
E.D. MICHIGAN DETROIT

In re
City of Detroit, Michigan
Debtor

Chapter 9
Case No. 13-53846
Hon.: Steven W. Rhodes

BRIEF IN SUPPORT

FACTS

This Creditor has a vested right to accrued financial benefits from the Debtor. I therefore timely filed claims with this Court asserting my entitlement to those benefits. I also served the Debtor with a copy of those claims.

The Debtor has erroneously and fraudulently represented to this Court that I possess Non-Voting status and is not entitled to vote on the Fourth Amended Plan for the Adjustment of Debts of the City of Detroit. The Debtor is improperly attempting to deny me the right to vote on the Debtor's Fourth Amended Plan for the Adjustment of Debts of the City of Detroit.

ARGUMENT

The Debtor has put forth its Fourth Amended Plan for the Adjustment of Debts of the City of Detroit. This Creditor has timely filed with this Court and served the Debtor with her claims regarding her accrued financial benefits as guaranteed by the Constitution of the State of Michigan.

The Debtor, in its "Notice of Non-Voting Status Under Plan for the Adjustment of Debts of the City of Detroit", has listed classes of claims that are not entitled to vote on the Plan. The

Debtor erroneously asserts that I fall within one of the classes of claims. Clearly, I do not fall within any of the classes of claims listed by the Debtor.

The Debtor erroneously and fraudulently misrepresents to this Court that I possess Non-Voting status and therefore not entitled to vote on the Plan.

WHEREFORE, based on the foregoing, this Creditor respectfully requests that this Court remove the Non-Voting classification status that the Debtor has erroneously designated, allow this Creditor to vote on the Fourth Amended Plan for the Adjustment of Debts of the City of Detroit, and hold the Debtor liable for misrepresenting to this Court that this Creditor possess Non-Voting status.

Respectfully submitted,



Irma Industrious
In Pro Per
Creditor
3051 Lindenwood Drive,
Dearborn, MI 48120
(313) 460-4731

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:
City of Detroit, Michigan,
Debtor.

Chapter 9
Case No. 13-53846
Hon. Steven W. Rhodes

Order Requiring Supplement to Motion

Creditor Irma Industrious has filed a "Motion to Contest Debtor's Notice of Non-Voting Status and Hold Debtor Liable for Its Misrepresentation." (Dkt. #5016) The motion refers to a "Notice of Non-Voting Status under Plan for the Adjustment of Debts of the City of Detroit."

It is hereby ordered that the moving party shall file by June 6, 2014, a supplement to her motion attaching this notice. Failure to comply with this order may result in the denial of the motion.

Signed on June 03, 2014

/s/ Steven Rhodes

Steven Rhodes
United States Bankruptcy Judge

Exhibit A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

-----X
In re :
CITY OF DETROIT, MICHIGAN, : Chapter 9
Debtor. : Case No. 13-53846
: Hon. Steven W. Rhodes
:
-----X

**NOTICE OF NON-VOTING STATUS UNDER PLAN FOR
THE ADJUSTMENT OF DEBTS OF THE CITY OF DETROIT**

PLEASE TAKE NOTICE OF THE FOLLOWING:

1. On May 5, 2014, the United States Bankruptcy Court for the Eastern District of Michigan (the "Bankruptcy Court") entered an order (Docket No. 4401) approving the *Fourth Amended Disclosure Statement with Respect to Fourth Amended Plan for the Adjustment of Debts of the City of Detroit* (Docket No. 4391) (as it may be amended, modified or supplemented, the "Disclosure Statement") filed by the City of Detroit, Michigan (the "City"), and authorizing the City to solicit votes to approve or reject the *Fourth Amended Plan for the Adjustment of Debts of the City of Detroit (May 5, 2014)* (Docket No. 4392) (as it may be amended, modified or supplemented, the "Plan").

2. On March 11, 2014, the Bankruptcy Court entered an order (Docket No. 2984) (the "Solicitation Procedures Order") granting the *Motion of the City of Detroit for Entry of an Order (I) Establishing Procedures for Solicitation and Tabulation of Votes to Accept or Reject Plan of Adjustment and (II) Approving Notice Procedures Related to Confirmation of the Plan of Adjustment* (the "Solicitation Procedures Motion").

3. Pursuant to Rule 3017(d) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and the Solicitation Procedures Order, the City is required to provide solicitation packages to all creditors entitled to vote on the Plan and is not required to provide solicitation packages to holders of claims in

CHI-1919692v9

Exhibit B

classes under the Plan that are conclusively presumed to accept or deemed to reject the Plan.

4. The following classes of claims are unimpaired under the Plan. They are deemed to accept the Plan and, therefore, are not entitled to vote on the Plan:

- Certain classes of claims among Class 1A-1 through 1A-337 – DWSD Bond Claims, as set forth in Exhibit I.A.110 of the Plan
- Classes 1B-1 through 1B-23 – DWSD Revolving Sewer Bond Claims
- Classes 1C-1 through 1C-4 – DWSD Revolving Water Bond Claims
- Class 2A – Secured GO Series 2010 Claims
- Class 2B – Secured GO Series 2010(A) Claims
- Class 2C – Secured GO Series 2012(A)(2) Claims
- Class 2D – Secured GO Series 2012(A2-B) Claims
- Class 2E – Secured GO Series 2012(B) Claims
- Class 2F – Secured GO Series 2012(B2) Claims
- Class 3 – Other Secured Claims
- Class 4 – HUD Installment Notes Claims
- Class 6 – Parking Bond Claims

5. In addition, Class 16 – Subordinated Claims are disallowed under the Plan. Accordingly, holders of Class 16 claims are deemed to reject the Plan and are therefore not entitled to vote on the Plan.

6. Under the terms of the Plan, your claim is a claim in one of the above-identified classes of claims (the "Non-Voting Classes"). Accordingly, pursuant to the Solicitation Procedures Order, you are receiving this notice in lieu of a solicitation package. Should you wish to obtain a copy of either the Disclosure Statement or the Plan, copies are available at no charge on the internet

at <http://www.kccllc.net/Detroit>. Copies are also available upon a written request made to Detroit Ballot Processing, c/o Kurtzman Carson Consultants LLC, 2335 Alaska Avenue, El Segundo, CA 90245 or by telephone at (877) 298-6236.

7. If you wish to challenge the Plan's classification of your claim for voting purposes, you are required to file a motion pursuant to Bankruptcy Rule 3018(a) for an order temporarily allowing your claim in a different class for purposes of voting on the Plan (a "Rule 3018 Motion"). Any such Rule 3018 Motion shall be served on counsel for the City so that it is received by the later of May 1, 2014 or 10 days after the date of service of a notice of objection, if any, to the applicable claim. As to any creditor filing a Rule 3018 Motion, such creditor's ballot will not be counted unless the claim is temporarily allowed by the Bankruptcy Court for voting purposes, after notice and a hearing prior to July 11, 2014 (i.e., the last date fixed for creditors to vote to accept or reject the Plan). Rule 3018 Motions that are not timely filed and served in the manner as set forth above will not be considered.

8. A hearing to consider confirmation of the Plan (the "Confirmation Hearing") will be held on **July 24, 2014 at 9:00 a.m., Eastern Time**, before the Honorable Steven W. Rhodes, United States Bankruptcy Judge, in the United States District Court, 231 W. Lafayette Blvd., Detroit, Michigan 48226. The Confirmation Hearing may be continued from time to time without further notice other than the announcement by the Court of the adjourned date at the Confirmation Hearing or any continued hearing. The Plan may be modified or supplemented prior to, during or as a result of the Confirmation Hearing in accordance with the terms of the Plan and section 942 and other applicable sections of the Bankruptcy Code, without further notice.

9. Objections, if any, to confirmation of the Plan were to have been filed with the Bankruptcy Court by all parties other than individual retirees and individual bondholders on or before **May 12, 2014**. Objections, if any, to confirmation of the Plan by individual retirees and individual bondholders must be filed with the Bankruptcy Court on or before **July 11, 2014**. Supplemental objections to the Plan arising as a result of discovery or the result of Plan voting must be filed with the Bankruptcy Court on or before **July 18, 2014**. All evidence in support of objections to the Plan must be submitted at or prior to the completion of the Confirmation Hearing. If a party files an objection to confirmation of the Plan that is not timely or otherwise does not comply with the procedures set forth herein, the objection will be denied and the party will not be heard at the Confirmation Hearings.

Dated: May 12, 2014

BY ORDER OF THE COURT

/s/ Heather Lennox

David G. Heiman (OH 0038271)

Heather Lennox (OH 0059649)

JONES DAY

North Point

901 Lakeside Avenue

Cleveland, Ohio 44114

Telephone: (216) 586-3939

Facsimile: (216) 579-0212

dgheiman@jonesday.com

hlennox@jonesday.com

Bruce Bennett (CA 105430)

JONES DAY

555 South Flower Street

Fiftieth Floor

Los Angeles, California 90071

Telephone: (213) 243 2382

Facsimile: (213) 243 2539

bbennett@jonesday.com

Jonathan S. Green (MI P33140)

Stephen S. LaPlante (MI P48063)

MILLER, CANFIELD, PADDOCK AND

STONE, P.L.C.

150 West Jefferson

Suite 2500

Detroit, Michigan 48226

Telephone: (313) 963-6420

Facsimile: (313) 496-7500

green@millercanfield.com

laplante@millercanfield.com

ATTORNEYS FOR THE CITY

CHH-1919692v9

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re
City of Detroit, Michigan
Debtor

Chapter 9
Case No. 13-53846
Hon.: Steven W. Rhodes

**ORDER GRANTING CREDITOR'S SUPPLEMENTAL MOTION TO CONTEST
DEBTOR'S NOTICE OF NON-VOTING STATUS AND HOLD DEBTOR LIABLE**

It is ORDERED AND ADJUDGED, that Creditor Irma Industrious Supplemental Motion To Contest Debtor's Notice of Non-Voting Status and Hold Debtor Liable for Its Misrepresentation is hereby **GRANTED**.

BANKRUPTCY JUDGE
Steven W. Rhodes